

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOSE MICHAEL RIVERA,</b>	:	
<b>Petitioner</b>	:	<b>CIVIL ACTION NO. 3:13-2225</b>
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
<b>WARDEN DAVID EBBERT,</b>	:	
<b>Respondent</b>	:	

**ORDER**

For the reasons set forth in the Memorandum of this date, **IT IS**  
**HEREBY ORDERED THAT:**

1. The above captioned petition for writ of habeas corpus is **DISMISSED** as untimely under the statute of limitations. See 28 U.S.C. §2244(d).
2. The Clerk of Court is directed to **CLOSE** this case.
3. There is no basis for the issuance of a Certificate of Appealability. See 28 U.S.C. §2253(c).

s/ Malachy E. Mannion  
**MALACHY E. MANNION**  
**United States District Judge**

Dated: January 27, 2014

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